

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Yasuhiro SAKAI et al.

Serial No.: 10/005,753

Filed: October 29, 2001

For: Method of Staining, and Detecting and Counting
Bacteria, and a Diluent for Bacterial Stain

Examiner: F. C. Prats

Group Art: 1651

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Kent H. Cheng

Name of applicant, assignee or Registered Representative

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February 2, 2004

Date of Signature

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

SIR:

In compliance with the duty of disclosure under 37 C.F.R. §1.56 and in accordance with the practice under 37 C.F.R. §§1.97 and 1.98, the Examiner's attention is directed to the documents listed on the enclosed Form PTO 1449. Copies of the listed documents are also enclosed.

This information is being submitted subsequent to the later of three months after the filing date of the present application or the mailing of the first Office Action on the merits, but before the mailing of a final Action or the Notice of Allowance.

This information is being submitted after issuance of a Final Office Action on the merits, or after issuance of a Notice of Allowance, but before payment of the Issue Fee.

STATEMENT

Each item of information contained in the Information Disclosure Statement was first cited in a communication received from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

No item of information contained in the Information Disclosure Statement was cited in a communication received from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

In accordance with 37 C.F.R §§1.97(g) and (h), the filing of this Information Disclosure Statement should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56(b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant(s) reserve(s) the right to prove that the date of publication is in fact different.

A check in the amount of \$180.00 in payment of the appropriate fee is enclosed.

It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO/SB/08a be returned indicating that such information has been considered.

Respectfully submitted,
COHEN, PONTANI, LIEBERMAN & PAVANE

By:


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Dated: February 2, 2004

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Substitute for Form 1449/PTO			Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				
			Application Number	10/005,753
			Filing Date	October 29, 2001
			First Named Inventor	Yasuhiro SAKAI
			Art Unit	1651
			Examiner Name	F. C. Prats
			Attorney Docket Number	3029-74
Sheet	1	of	2	

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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind-Code ⁵ (if known)				
		GB 826,066	12/23/1959	Miles Laboratories, Inc.		
		EP 0 882 983 A	12/9/1998	TOA Medical Electronics		
		EP 1136563 A2	9/26/01	Sysmex Corp.		

Examiner Signature		Date Considered	
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		Art Unit	1651
		Examiner Name	F. C. Prats
Sheet 2 of 2	Attorney Docket Number	3029-74	

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Derwent Publications Ltd., "New Methine Dyes are Capable of Being Effectively Excited with Economical Helium-Neon Laser Light Source with Resultant Stronger Fluorescent Intensity", JP 2000 273330A, (Fuji Photo Film Co. Ltd.), 3 October 2000 Abstract.	
		G. P. JAMES et al., "Urinary Nitrite and Urinary-Tract Infection", Am J. Clinical Pathol, Vol. 70, 1978, Pages 671-678.	
		Y. NAKAGAWA, et al., "Characteristic Bleaching Profiles of Cyanine Dyes Depending on Active Oxygen Species in the Controlled Fenton Reaction", Biological and Pharmaceutical Bulletin, Vol. 16, No. 11, 1993, Pgs. 1061-1064.	
		H. OKADA, et al., "Detection of Significant Bacteriuria by Automated Urinalysis Using Flow Cytometry", Journal of Clinical Microbiology, Vol. 38, No. 8, August 2000, Pgs. 2870-2872.	
		S. SMITH et al., "Detection of Urinary Tract Infections by Reduction of Nitroblue Tetrazolium: Technical Note", Kidney International, Vol. 54. No. 4, October 1998, Pages 1331-1336.	

Examiner Signature		Date Considered	
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